



10 MAR 2005

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FRASER MARTIN BUCHANAN MILLER LLC
132C WEST SECOND STREET
PERRYSBURG, OH 43551-1401

In re Application of
MAININ, Burkitt et al.
Application No.: 10/523,860
PCT No.: PCT/KZ03/00005
Int. Filing Date: 04 August 2003
Priority Date: 19 August 2002
Attorney Docket No.: 1-37640
For: DYNAMIC SEPARATOR

DECISION

ON PETITION UNDER

37 CFR 1.181

This decision is in response to applicant's request for refund filed in the United States Patent and Trademark Office on 03 March 2005. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 04 August 2003, applicant filed international application PCT/KZ03/00005, which claimed a priority date of 19 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 26 February 2004. The deadline for entry into the national stage in the United States was midnight on 19 February 2005.

On 07 February 2005, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee, the international search report and a declaration.

On 03 March 2005, applicant filed a petition under 37 CFR 1.181 for a refund.

DISCUSSION

Applicant supplied a copy of the international search report with the submission for entry into the national stage. The additional \$50 will be refunded to applicant's deposit account, as requested.

However, a review of the declaration reveals non-initialed, non-dated alterations to the names of the attorneys, to the name of the law firm and to the correspondence address. 37 CFR 1.52(c)(1). The oath or declaration must be submitted as it was executed by the inventors. The declaration does not comply with 37 CFR 1.497(a)-(b). A new oath or declaration and the surcharge for late filing of the oath or declaration are required.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **GRANTED**.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration must be filed within TWO (2) MONTHS from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292
Facsimile: (571) 273-0459